



#7/AJ08
USSN: 09/721,543
4/20/02

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Typed or Printed Name	Susan M. Alessi		
Signature	<i>Susan M. Alessi</i>	Date	March 26, 2002

RESTRICTION ELECTION	Attorney Docket	BERK-005
	First Named Inventor	Liu <i>et al.</i>
	Application Number	09/721,543
	Filing Date	November 21, 2000
	Group Art Unit	1636
	Examiner Name	Q. Nguyen
	Title: "Polynucleotide Ligands as Antiviral Agents"	

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is responsive to the Restriction Requirement dated February 28, 2002, which set a one-month period for response.

Please amend the application as follows:

IN THE CLAIMS

✓
Cancel Claims 27-32.

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to allow claims 1-26, the currently pending claims. Claims 1-19 have been canceled, without prejudice to refiling.

Applicants respectfully elect the invention of Group I, claims 1-19 for further examination, and the Group (3), SEQ ID NOs:12-16, as a compound, with traverse. Applicants respectfully submit that the class of antiviral agents represent a generic claim, and that the election of SEQ ID NOs:12-16 should be an election of species in the group, not a separate invention.

A key determination in whether a generic claim is appropriate depends on the disclosure of a commonality of operation, function or effect. As stated in the present application, the family of antiviral agents set forth in the present claims have a common mechanism of function, through binding to virus and acting to decrease the infection of target cells by the virus. Therefore the compounds are properly examined as a genus, with an election of species.

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In view of the above remarks, Applicants respectfully request limitation of the restriction to the single genus of compounds, with election of the species, Group (3).

CONCLUSION

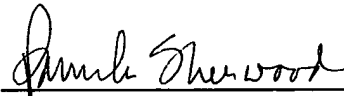
Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN096CIP.

Respectfully submitted,

Date: March 26, 2002

By:



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/721,543	
		Filing Date	November 21, 2000	
		First Named Inventor	LIU, FENYONG	
		Group Art Unit	1636	
		Examiner Name	NGUYEN, QUANG	
Total Number of Pages in This Submission		3	Attorney Docket Number	BERK-005
ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Restriction Election <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
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